

Queensland



*Building and Construction Industry (Portable Long Service Leave) Act
1991*

BUILDING AND CONSTRUCTION INDUSTRY (PORTABLE LONG SERVICE LEAVE) REGULATION 1992

**Reprinted as in force on 20 December 1993
(includes amendments up to SL No. 441 of 1993)**

Reprint No. 2

This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy

Information about this reprint

This regulation is reprinted as at 20 December 1993. As required by section 5 of the Reprints Act 1992, it—

- shows the law as amended by all amendments that commenced on or before that day; and
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind.

As required by section 6 of the Reprints Act 1992, the reprint includes a reference to the law by which each amendment was made—see List of legislation and List of annotations in Endnotes.

The opportunity has also been taken, under section 7 of the Reprints Act 1992, to do the following—

- use expressions consistent with current legislative drafting practice as permitted by section 29 of that Act;
- use aspects of format and printing style consistent with current legislative drafting practice as permitted by section 35 of that Act.

This page is specific to this reprint. See previous reprint for information about earlier changes made under the Reprints Act 1992. A Table of previous reprints is included in the Endnotes.

Also see Endnotes for—

- **details about when provisions commenced; and**
- **any provisions that have not commenced and are not incorporated in the reprint.**

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BUILDING AND CONSTRUCTION INDUSTRY (PORTABLE LONG SERVICE LEAVE) REGULATION 1992

[as amended by all amendments that commenced on or before 20 December 1993²]

Short title

1. This regulation may be cited as the *Building and Construction Industry (Portable Long Service Leave) Regulation 1992*^{3–5}.

Commencement

2. This regulation commences on 1 July 1992.

Awards

3. For the purpose of the definition “employee” in section 3 of the Act, the awards prescribed are—

- (a) the following awards or industrial agreements made under the *Industrial Relations Act 1990*—
 - (i) Building Tradesmen’s (Other than Plumbers) and Builders’ Labourers’ Construction Award—State;
 - (ii) Building Trades Award—State;
 - (iii) Civil Construction, Operations and Maintenance General Award—State;
 - (iv) Electrical Contracting (Interim) Award—State;
 - (v) Engineering Award—State;
 - (vi) Engine Drivers’ Award—State;
 - (vii) BHP Australia Coal Limited Industrial Agreement Construction (1991);
 - (viii) Curragh Dragline Construction Project Industrial

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- Agreement;
- (ix) Gordonstone Coal Mine Construction Project Industrial Agreement;
- (x) ICI Ammonium Nitrate Plant Construction Project Industrial Agreement;
- (xi) Queensland Cement Limited Construction Project Industrial Agreement (Townsville and Gladstone);
- (xii) South Bank Parklands Project Industrial Agreement;
- (xiii) Stanwell Power Station Construction Project Industrial Agreement; and
- (b) the following awards made under the *Industrial Relations Act 1988* (Cwlth)—
 - (i) Mobile Crane Hiring Award 1988;
 - (ii) National Building and Construction Industry Award 1990;
 - (iii) National Building Trades Construction Award 1975;
 - (iv) National Building and Construction Industry (FEDFA) Award 1987;
 - (v) National Metal and Engineering On-site Construction Industry Award 1989;
 - (vi) Plumbing Industry (Qld and WA) Award 1979;
 - (vii) Sprinkler Pipe Fitters' Award 1975.

Certificate of service

4.(1) A certificate of service required to be given under section 41(1) of the Act must be given—

- (a) in the approved form; and
- (b) if an employee—
 - (i) is employed as at 30 June in any year—within 1 month after that date; or
 - (ii) stops being employed before 30 June in any year—within

1 month after the employee stops being employed.

(2) A certificate of service mentioned in subsection (1)(b)(i) is to be for the year ending on the relevant 30 June.

(3) A certificate of service mentioned in subsection (1)(b)(ii) is to be for the period—

- (a) starting on 1 July immediately before the employee stopped being employed; and
- (b) ending on the day the employee stopped being employed.

Building and construction work for which no levy is payable (s.63(2) of the Act)

5. Levy is not payable for building and construction work if the cost of the work is less than \$40 000.

Long service leave levy

6. For the purposes of section 64 of the Act, the prescribed percentage is 0.4%.

Calculation of value of work done by an individual under an owner-builder permit (s.65(2)(a) of the Act)

6A. For the purposes of section 65(2)(a) of the Act, the prescribed percentage is 10%.

Prescribed cost of work for which government entity must notify the Board (s.65C(2) of the Act)

6B. For the purposes of section 65C(2) of the Act, the prescribed cost is \$40 000.

Prescribed rate of remuneration to local authority and its yearly CPI adjustment on 1 July (s.65D(2) of the Act)

6C.(1) For the purposes of section 65D(2) of the Act, the prescribed rate

for each approved form seen is—

- (a) \$1.70; or
- (b) a higher amount calculated under subsection (2).

(2) The prescribed rate is adjusted each year on 1 July using the formula—

$$\frac{A \times B}{C}.$$

(3) If, in a particular year, the adjustment of the prescribed rate would reduce the amount of the prescribed rate, the rate is not to be adjusted in that year.

(4) In the formula—

“A” is the prescribed rate immediately before 1 July in a year;

“B” is the CPI number published for the March quarter in that year;

“C” is the CPI number published for the corresponding quarter in the previous year.

(5) In this section—

“CPI” means the all groups consumer price index for Brisbane published by the Australian Statistician.

Prescribed amount for purposes of s.70(3)(c) of the Act

7. For the purposes of section 70(3)(c) of the Act, the prescribed amount is \$20 000.

Calculation of additional amount of long service leave levy under s.70(4) of the Act

8. For the purposes of section 70(4) of the Act, the additional amount is to be calculated at the rate of 0.5% of the amount, rounded to the nearest dollar (with 50c being rounded downwards), that is the difference between the costs mentioned in section 70(3)(b) of the Act.

Prescribed amount for purposes of s.71(2)(c) of the Act

9. For the purposes of section 71(2)(c) of the Act, the prescribed amount is \$20 000.

Calculation of refund under s.71(2) of the Act

10. For the purposes of section 71(2) of the Act, the amount to be refunded is to be calculated at the rate of 0.5% of the amount, rounded to the nearest dollar (with 50c being rounded downwards), that is the difference between the costs mentioned in section 71(2)(b) of the Act.

Prescribed amount for purposes of s.72(1) of the Act

11. For the purposes of section 72(1) of the Act, the prescribed amount is \$1 000 000.

Prescribed interest rate for purposes of s.74(1) of the Act

12. For the purposes of section 74(1) of the Act, the prescribed rate is 2% per month or part of a month.

Books, records and particulars

13. For the purposes of section 82(1) of the Act—

- (a) the books and records are—time sheets or attendance records that show the hours the employee is at work; and
- (b) the particulars are—
 - (i) the full name and address of each employee who is, or was, employed by the person or body; and
 - (ii) if the employee is a registered employee—the employee's number in the register of employees; and
 - (iii) the designation of each employee and the name of the award under which the employee is, or was, employed; and
 - (iv) the employee's date of birth; and

- (v) the serial number of each certificate of service given to the employee under section 41(1)(a) of the Act; and
- (vi) the period for which building and construction work was performed by the employee.

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2 Date to which amendments incorporated

This is the reprint date mentioned in section 5(c) of the Reprints Act 1992. Accordingly, this reprint includes all amendments that commenced operation on or before 14 December 1993. Future amendments of the Building and Construction Industry (Portable Long Service Leave) Regulation 1992 may be made in accordance with this reprint under section 49 of the Reprints Act 1992.

3 Table of previous reprints

Reprint No.	Amendments included	Reprint date
1	none	1 July 1992

4 List of legislation

Building and Construction Industry (Portable Long Service Leave) Regulation 1992 SL No. 187

notfd Gaz 26 June 1992 pp 2057–8

ss 1–2 commenced on date of notification

remaining provisions commenced on 1 July 1992 (see s 2)

as amended by—

Building and Construction Industry (Portable Long Service Leave) Amendment Regulation (No. 1) 1993 SL No. 441

notfd Gaz 3 December 1993 pp 1583–6

ss 1–2 commenced on date of notification

remaining provisions commence 1 January 1994 (see s 2)

5 List of annotations

Key to abbreviations in list of annotations

amd	=	amended
Chap	=	Chapter
cl	=	clause
def	=	definition
Div	=	Division
hdg	=	heading
ins	=	inserted
om	=	omitted
prec	=	preceding
pres	=	present
prev	=	previous
(prev)	=	previously
prov	=	provision
Pt	=	Part
RA	=	Reprints Act 1992
renum	=	renumbered
Sdiv	=	Subdivision
sub	=	substituted

Provisions not included in reprint, or amended by
amendments not included in reprint, are underlined

Long service leave levy

s 5 sub 1993 SL No. 441 s 4

Long service leave levy not payable (s.62(c) of the Act)

s 6 sub 1993 SL No. 441 s 4

Calculation of value of work done by an individual under an owner-builder permit (s.65(2)(a) of the Act)

s 6A ins 1993 SL No. 441 s 4

Prescribed cost of work for which government entity must notify the Board (s.65C(2) of the Act)

s 6B ins 1993 SL No. 441 s 4

Prescribed rate of remuneration to local authority and its yearly CPI adjustment on 1 July (s.65D(2) of the Act)

s 6C ins 1993 SL No. 441 s 4